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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052967
Party	Plaintiff Ira Pazandeh dba Episode Audio
Correspondence Address	IRA PAZANDEH DBA EPISODE AUDIO 18700 YORBA LINDA BLVD, NUMBER 56 YORBA LINDA, CA 92886 UNITED STATES
Submission	Motion to Suspend for Civil Action
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Signature	/JVH/
Date	12/16/2011
Attachments	20111216155946.pdf ( 5 pages )(169518 bytes ) Summons & Complaint-IPAZ.001M.PDF ( 44 pages )(3950653 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Ira Pazendeh, d/b/a/ Episode Audio,

Petitioner,

v.

Wirepath Home Systems, LLC,

Respondent.

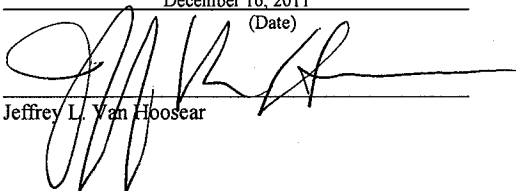
) Cancellation No.: 92052967

) Cancellation No.: 92053960

) I hereby certify that this correspondence and all marked  
) attachments are being electronically filed with the Trademark  
) Trial and Appeal Board through their web site located at  
) <http://esta.uspto.gov> on

December 16, 2011

(Date)

  
Jeffrey L. Van Hoosier

**PETITIONER'S MOTION TO SUSPEND FOR CIVIL ACTION**

Assistant Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Dear Sir:

Pursuant to 37 C.F.R. § 2.117(a) and T.B.M.P. § 510.02(a), Ira Pazendeh, d/b/a/ Episode Audio ("Petitioner"), hereby requests that the Trademark Trial and Appeal Board (the "Board") suspend the above-identified consolidated Cancellation Proceedings pending the disposition of a related civil action filed by Wirepath Home Systems, LLC ("Respondent") against Petitioner on December 8, 2011 in the United States District Court for the Central District of California, Civil Action No. SACV11-1893-JVS (MLGx) (the "Civil Action").

This motion is based on the following grounds:

1. The Civil Action involves issues in common with those before the Board;
2. The outcome of the Civil Action is very likely to be dispositive of the Cancellation Proceedings;

3. The Civil Action also includes broader issues which may only be resolved by a Federal Court; and
4. Granting this suspension is likely to save the Petitioner and Respondent the expense associated with responding to discovery, taking depositions, preparing for testimony periods and preparing briefs and will also conserve the resources of the Board in the event that the outcome of the related Civil Action resolves some or all of the issues before the Board in the subject Cancellation Proceedings.

In light of the reasons set forth above and the memorandum set forth below, Petitioner requests that the consolidated Cancellation Proceedings before the Board be suspended until final determination of the Civil Action.

## I.

### **CHRONOLOGY OF EVENTS**

On August 30, 2010, Petitioner filed a Petition to Cancel the 3,343,180 registration. On April 25, 2011, Petitioner filed a Petition to Cancel the 3,320,350 registration. The Cancellation Proceedings are based, in part, on the grounds that Petitioner has prior rights in the EPISODSE trademark for speakers. The Cancellation Proceeding against the 3,320,350 registration was assigned Cancellation No 92053960. The Cancellation Proceeding against the 3,343,180 registration was assigned Cancellation No. 92052967. On May 4, 2011, the Board consolidated these proceedings with Cancellation No. 92052967 being the parent proceeding.

On December 8, 2011, Respondent chose to file and serve the Civil Action, which alleges, among other things, that Respondent has priority over Petitioner's common law trademark rights – an issue that is also before the Board in these proceedings. A copy of the complaint for the Civil Action filed by Respondent is attached hereto.

## II.

### **MEMORANDUM IN SUPPORT OF MOTION TO SUSPEND**

As indicated above, in the Cancellation Proceedings, Petitioner is requesting that the Board determine Respondent's right to register the mark EPISODE in connection with the goods identified in the subject registrations. Similarly, as can be seen in the complaint filed in the Civil Action, the Respondent, as plaintiff in the Civil Action, is requesting that the Court determine the respective rights of the parties to use and register names and marks containing the term EPISODE. Consequently, it is clear that the outcome of the Civil Action may well be dispositive of the issues raised in the Cancellation Proceedings. This reason alone justifies suspension of the Cancellation Proceedings. See The Other Telephone Company v. Connecticut National Telephone Co., 181 U.S.P.Q. 125 (T.T.A.B. 1974), petition denied, 181 U.S.P.Q. 779 (Comm'r 1974).

Moreover, to the extent that the Cancellation Proceedings and the Civil Action share common issues, the decision of the Federal District Court is binding on the Board. However, the decision of the Board is not binding on the Federal District Court. Consequently, resolving the issues common to the Civil Action and the Cancellation Proceedings in the Federal District Court first is preferable and will conserve the parties' and the Board's time and resources. See Tokaido v. Honda Associates Inc., 179 U.S.P.Q. 861 (T.T.A.B. 1973).

Furthermore, as some of the claims or remedies involved in the Civil Action may not or are not within the jurisdiction of the Board, judicial economy strongly favors suspending the Cancellation Proceedings pending resolution of the Civil Action. See Whopper-Burger, Inc. v. Burger King Corporation, 171 U.S.P.Q. 805 (T.T.A.B. 1971).

Finally, 37 C.F.R. § 2.117(a) and T.B.M.P. § 510.02(a), state that "[w]henver it comes to the attention of the Board that the parties to a case pending before it are involved in a civil

action which may be dispositive of the Board case, proceedings before the Board may be suspended until final determination of the civil action.” As the Civil Action may be dispositive of the cases before the Board (as well as the broader disputes between the parties) and the outcome of the Civil Action will be binding on the Board, the Cancellation Proceedings should be suspended pending the outcome of the Civil Action.

### III.

#### CONCLUSION

In light of the foregoing, Petitioner respectfully requests that the Board suspend the Cancellation Proceedings pending resolution of the Civil Action.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 16, 2011

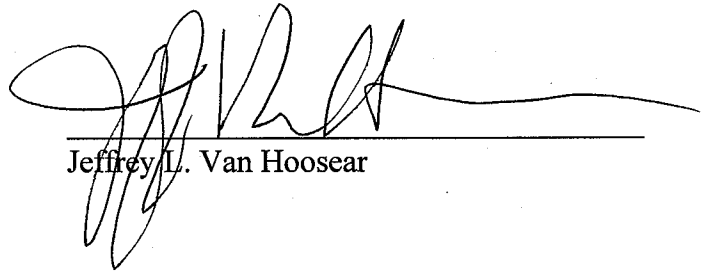
By: 

Jeffrey L. Van Hoosear  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92660  
(949) 760-0404  
Attorney for Petitioner,  
Ira Pazendeh, d/b/a/ Episode Audio

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **PETITIONER'S MOTION TO SUSPEND FOR CIVIL ACTION** upon Registrant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on December 16, 2011, addressed as follows:

Robert H. Cameron  
ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246-1900



Jeffrey L. Van Hoosear

Sheldon Eisenberg (SBN 100626)  
DRINKER BIDDLE & REATH, LLP  
1800 Century Park East, Suite 1400  
Los Angeles, California 90067  
Telephone: 310-203-4000; Facsimile: 310-229-1285  
Email: sheldon.eisenberg@dbi.com

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WIREPATH HOME SYSTEMS, LLC,

PLAINTIFF(S)

v.

IRA PAZANDEK d/b/a EPISODE AUDIO,

DEFENDANT(S).

CASE NUMBER

SACV11-1893-JVS (MLOx)

SUMMONS

TO: DEFENDANT(S): IRA PAZANDEK d/b/a EPISODE AUDIO

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Sheldon Eisenberg, whose address is Drinker Biddle & Reath, LLP, 1800 Century Park East, #1400, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: December 8, 2011

By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if this defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

FILED

Sheldon Eisenberg (SBN 100626)  
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Los Angeles, CA 90067  
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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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Attorneys for Plaintiff  
Wirepath Home Systems, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WIREPATH HOME SYSTEMS, LLC,

Plaintiff,

v.

IRA PAZANDEH d/b/a EPISODE  
AUDIO,

Defendant.

Case No. SACV11-1893-JVS (MLGx)

COMPLAINT

Wirepath Home Systems, LLC ("Wirepath"), for its Complaint against Ira Pazandeh d/b/a Episode Audio ("Mr. Pazandeh"), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for trademark infringement under Section 32 of the Lanham Act, 15 U.S.C. § 1114; unfair competition/false designation of origin under Section 43 of the Lanham Act, 15 U.S.C. § 1125(a); trademark infringement under the common law of California; and unfair competition in violation of the California



1 Business and Professions Code section 17200. This Court has subject matter  
2 jurisdiction over Wirepath's claims under the Lanham Act pursuant to 15 U.S.C.  
3 § 1121(a) and 28 U.S.C. §§ 1331 and 1338, and supplemental jurisdiction over  
4 Wirepath's claims under California state law pursuant to 28 U.S.C. § 1367.

5 **PARTIES**

6 2. Wirepath is a limited liability company organized and existing under  
7 the laws of North Carolina with its principal place of business at 1800 Continental  
8 Blvd., Suite 200, Charlotte, North Carolina.

9 3. Mr. Pazandeh is a resident of the State of California operating a sole  
10 proprietorship doing business as "EPISODE AUDIO," with an address at 18700  
11 Yorba Linda Blvd. # 56, Yorba Linda, California.

12 **JURISDICTION AND VENUE**

13 4. This Court has subject matter jurisdiction over this action pursuant to  
14 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338, as this case involves claims  
15 under the Lanham Act, 15 U.S.C. 1501, *et seq.*, and thereby involves claims arising  
16 under the laws of the United States. This Court also has supplemental jurisdiction  
17 over Wirepath's claims under California state law pursuant to 28 U.S.C. § 1367.

18 5. This Court has personal jurisdiction over Mr. Pazandeh because he  
19 maintains his permanent residence and domicile in the State of California and  
20 within this district.

21 6. Venue is proper in this District, pursuant to 28 U.S.C. § 1391(a)  
22 because Mr. Pazandeh resides within this district.

23 **FACTUAL ALLEGATIONS**

24 7. Wirepath is a manufacturer of speakers and speaker enclosures for  
25 custom-installed consumer, home theatre, and commercial applications.

26 8. Wirepath has been continuously engaged in the business of marketing,  
27 and selling speakers under the trademark EPISODE (the "EPISODE® Mark") since  
28 at least as early as January 1, 2006.

1           9.     Wirepath's ownership of the EPISODE® Mark is a matter of public  
2 record. On August 12, 2005, Wirepath applied to register the EPISODE® Mark  
3 with the United States Patent and Trademark Office (the "PTO") under Section 1(b)  
4 of the Lanham Act. On October 23, 2007, the PTO approved the application and  
5 issued Wirepath a Certificate of Registration, namely United States Trademark  
6 Registration No. 3320350 for the trademark EPISODE, in International Class 009  
7 for loudspeakers, loudspeaker systems, loudspeakers with built-in amplifiers, and  
8 loudspeaker cabinets (the "'350 Registration"). A true and correct copy of the '350  
9 Registration is attached hereto as Exhibit "A".

10           10.    Wirepath is also the owner of United States Trademark Registration  
11 No. 3343180, registered on November 11, 2007, for the trademark EPISODE, in  
12 International Class 009 for audio speakers, loud speakers, loud speaker systems,  
13 and speakers with built-in amplifiers, and speaker enclosures (the "'080  
14 Registration"). A true and correct copy of the '080 Registration is attached hereto  
15 as Exhibit B.

16           11.    Pursuant to section 7(c) of the Lanham Act, Wirepath's rights and  
17 priority in the EPISODE® Mark date from August 12, 2005, the date on which it  
18 filed its application for the '350 Registration. 15 U.S.C. § 1057(c) (providing that,  
19 "contingent on the registration of a mark . . . the filing of an application to register  
20 such mark shall constitute constructive use of the mark, conferring a right of  
21 priority, nationwide in effect . . .").

22           12.    As a result of its continuous use of the inherently distinctive  
23 EPISODE® Mark, as well as the commercial success of its speakers and other  
24 products, Wirepath has achieved significant name recognition in the EPISODE®  
25 Mark.

26           13.    Subsequent to the date on which it filed its application for the '350  
27 Registration, Wirepath learned of a possibly conflicting use of "EPISODE AUDIO"  
28 by Mr. Pazandeh.

1           14. By letter of counsel dated April 19, 2007, Wirepath informed Mr.  
2 Pazandeh of Wirepath's prior rights in the EPISODE® Mark and demanded that  
3 Mr. Pazandeh cease any planned use of EPISODE or EPISODE AUDIO.

4           15. By letter of counsel retained by Mr. Pazandeh on May 16, 2007, Mr.  
5 Pazandeh denied the allegations of infringement in the above April 19, 2007 letter,  
6 relying on a fictitious business name registration for EPISODE AUDIO with the  
7 County of Orange, California as evidence of earlier rights to a trademark in  
8 EPISODE AUDIO (which as a matter of law does not evidence such rights). Upon  
9 information and belief, Mr. Pazandeh denied Wirepath's allegations of infringement  
10 despite his personal knowledge that he had only made one sale on consignment in  
11 2005 of any product under the designation EPISODE AUDIO.

12           16. Mr. Pazandeh subsequently terminated his counsel's representation  
13 and acted as his own attorney. Despite having both actual and constructive notice  
14 of Wirepath's prior rights in the EPISODE® Mark, Mr. Pazandeh failed to further  
15 investigate Wirepath's rights in the EPISODE® Mark and continued with his plans  
16 to use EPISODE AUDIO in connection with the marketing of speakers.

17           17. Mr. Pazandeh later challenged Wirepath's right to register its  
18 EPISODE® Mark based on allegations that he was the first to use and acquire  
19 trademark rights in "EPISODE AUDIO". More specifically, on or about August  
20 30, 2010, he initiated cancellation proceedings with the Trademark Trial and  
21 Appeal Board of the U.S. Patent & Trademark Office against the '080 Registration  
22 and later the '350 Registration. Said cancellation proceedings have been  
23 consolidated and are *sub judice*.

24           18. Upon information and belief, as of August 12, 2005, Wirepath's  
25 constructive use priority date, Mr. Pazandeh's efforts to solicit business under the  
26 designation EPISODE AUDIO had no significant impact on the public nor involved  
27 more than an insubstantial number of potential dealers, retailers or customers.

28           19. Upon information and belief, as of August 12, 2005, Mr. Pazandeh had

1 made only one or two token shipments or sales of speakers under the designation  
2 EPISODE AUDIO. Mr. Pazandeh did not make any subsequent actual technical  
3 use of EPISODE AUDIO in the speaker industry within a commercially reasonable  
4 time.

5 20. Mr. Pazandeh also failed to take advantage of filing an application to  
6 register EPISODE AUDIO or EPISODE as a trademark with the U.S. Patent &  
7 Trademark Office under Section 1(b) of the Lanham Act.

8 21. Upon information and belief, Mr. Pazandeh's advertising and  
9 promotional expenditures of approximately \$5,000.00 over a six-year period  
10 relating to the use of the designation EPISODE AUDIO were insufficient to  
11 establish the necessary public identification of his products with EPISODE AUDIO  
12 among more than an insubstantial number of potential dealers, retailers or  
13 customers.

14 22. Mr. Pazandeh also owns and now operates a website located at  
15 <http://www.episodeaudio.com> which purports to market speakers and related  
16 products. True and correct copies of advertisements Mr. Pazandeh has posted on  
17 that website featuring the designation EPISODE AUDIO are attached hereto as  
18 Exhibit "C".

19 23. Through such advertisements, Mr. Pazandeh has sought to market his  
20 products to the same class of consumers as Wirepath, namely consumers of high-  
21 end and custom-installed speakers.

22 24. Mr. Pazandeh, by virtue of his unauthorized use of EPISODE AUDIO,  
23 has infringed and is continuing to infringe Wirepath's rights in the EPISODE®  
24 Mark, has unfairly competed with Wirepath, and otherwise traded off the reputation  
25 and goodwill of Wirepath and Wirepath's products to promote his own, directly  
26 competitive products.

27 25. Mr. Pazandeh's aforesaid acts have caused and, unless enjoined by this  
28 Court, will continue to cause irreparable damage, loss, and injury to Wirepath, to an

1 extent not yet ascertained.

2 **FIRST CLAIM FOR RELIEF**

3 (Registered Trademark Infringement)

4 26. Wirepath repeats and realleges each and every allegation contained in  
5 paragraphs 1 through 25, inclusive, with the same force and effect as if set forth  
6 fully herein.

7 27. This cause of action arises under Section 32 of the Lanham Act, 15  
8 U.S.C. § 1114, for infringement of a registered trademark.

9 28. Mr. Pazandeh's pre-sales and promotional and advertising activities  
10 under the designation EPISODE AUDIO prior to Wirepath's constructive use  
11 priority date for the EPISODE® Mark were not sufficiently clear, widespread or  
12 repetitive so as to create any association in the minds of potential purchasers  
13 between the designation EPISODE AUDIO and Mr. Pazandeh's products.

14 29. Accordingly, Wirepath's rights in the EPISODE® Mark predate any  
15 trademark rights of Mr. Pazandeh in the designation EPISODE AUDIO, and  
16 priority of use therefore belongs to Wirepath.

17 30. Mr. Pazandeh's unauthorized use of EPISODE AUDIO has caused and  
18 is likely to cause confusion, mistake or deception as to the origin of speakers that he  
19 advertises or sells and to mislead consumers into believing that those products  
20 originate from, are affiliated with, or are sponsored, authorized, approved or  
21 sanctioned by Wirepath.

22 31. Accordingly, Mr. Pazandeh's activities constitute an infringement of  
23 Wirepath's registered trademark EPISODE® in violation of Section 32(1) of the  
24 Lanham Act (15 U.S.C. § 1114(1)).

25 32. The aforesaid acts of infringement have caused Wirepath to sustain  
26 monetary damage, loss and injury, to an extent not yet ascertained.

27 33. Mr. Pazandeh has engaged and continues to engage in these activities  
28 knowingly and willfully, so as to justify the assessment of treble damages.

1        34. The aforesaid acts of infringement, unless enjoined by this Court, will  
2 continue to cause Wirepath irreparable damage, loss and injury, for which Wirepath  
3 has no adequate remedy at law.

4                                    **SECOND CLAIM FOR RELIEF**

5                                    (False Designation of Origin; Unfair Competition)

6        35. Wirepath repeats and realleges each and every allegation contained in  
7 paragraphs 1 through 34 inclusive, with the same force and effect as if set forth  
8 fully herein.

9        36. As exclusive owner, registrant and user of the EPISODE® Mark,  
10 Wirepath possesses valuable common law rights to said mark and the goodwill  
11 appurtenant to it.

12        37. Accordingly, this cause of action arises under Section 43(a) of the  
13 Lanham Act, 15 U.S.C. § 1125(a), for false designation of origin, unfair  
14 competition, and false advertising.

15        38. Mr. Pazandeh's unauthorized use of EPISODE AUDIO has caused his  
16 products to be marketed in interstate commerce with a designation that falsely  
17 describes that his products originate from, are affiliated with or connected with, or  
18 are licensed, sponsored, authorized, approved or sanctioned by Wirepath and/or  
19 Wirepath's products marketed and sold under the EPISODE® Mark.

20        39. The aforesaid activities violate Section 43(a) of the Lanham Act (15  
21 U.S.C. § 1125(a)).

22        40. The aforesaid acts of false designation of origin, unfair competition  
23 and false advertising have caused Wirepath to sustain monetary damage, loss and  
24 injury, to an extent not yet ascertained.

25        41. The aforesaid acts of false designation of origin, unfair competition  
26 and false advertising, unless enjoined by this Court, will continue to cause Wirepath  
27 to sustain irreparable damage, loss and injury, for which Wirepath has no adequate  
28 remedy at law.

1  
2 **THIRD CLAIM FOR RELIEF**

3 (Trademark Infringement under California Common Law)

4 42. Wirepath repeats and realleges each and every allegation contained in  
5 paragraphs 1 through 41, inclusive, with the same force and effect as if set forth  
6 fully herein.

7 43. Wirepath is the exclusive owner and user of the EPISODE® Mark, and  
8 Wirepath's rights in the EPISODE® Mark predate any trademark rights of Mr.  
9 Pazandeh in the designation EPISODE AUDIO.

10 44. Mr. Pazandeh's use of the designation EPISODE AUDIO has caused  
11 and is likely to cause confusion, mistake or deception as to the origin of speakers  
12 that he advertises or sells and to mislead consumers into believing that those  
13 products originate from, are affiliated with, or are sponsored, authorized, approved  
14 or sanctioned by Wirepath.

15 45. Accordingly, Mr. Pazandeh's activities infringe Wirepath's rights to  
16 the trademark EPISODE® Mark under the common law of the State of California.

17 46. The aforesaid acts of infringement have cause Wirepath to sustain  
18 monetary damage, loss and injury, to an extent not yet ascertained.

19 **FOURTH CLAIM FOR RELIEF**

20 (Unfair Competition in Violation of the California Business and Professions Code)

21 47. Wirepath repeats and realleges each and every allegation contained in  
22 paragraphs 1 through 46 inclusive, with the same force and effect as if set forth  
23 fully herein.

24 48. Mr. Pazandeh's unauthorized use of the designation EPISODE  
25 AUDIO constitutes unfair competition in violation of the California Business and  
26 Professions Code, Cal. Bus. & Prof. Code §§ 17200, 17203, as such use is likely to  
27 mislead and confuse consumers as to the source of the speakers and products Mr.  
28 Pazandeh markets and sells.

1       49. The aforesaid acts of unfair competition have caused Wirepath to  
2 sustain monetary damage, loss and injury, to an extent not yet ascertained.

3       50. The aforesaid acts of unfair competition, unless enjoined by this Court,  
4 will continue to cause irreparable damage, loss and injury to Wirepath, for which  
5 Wirepath has no adequate remedy at law.

6                                   **FIFTH CLAIM FOR RELIEF**

7                                   (Abuse of Process)

8       51. Wirepath repeats and realleges each and every allegation contained in  
9 paragraphs 1 through 50 inclusive, with the same force and effect as if set forth  
10 fully herein.

11       52. Mr. Pazandeh invoked legal process by bringing a cancellation  
12 proceeding against Wirepath before the Trademark Trial and Appeal Board of the  
13 U.S. Patent & Trademark Office.

14       53. In bringing the cancellation proceeding against Wirepath, Mr.  
15 Pazandeh twice alleged entirely unsubstantiated claims of fraud in procurement of a  
16 registration which were ultimately dismissed by the Trademark Trial and Appeal  
17 Board.

18       54. Mr. Pazandeh subsequently used the discovery process to attempt to  
19 procure extensive and unabated disclosure of commercially sensitive and trade  
20 secret documents to which he was not entitled under black-letter procedural rules  
21 applicable to parties representing themselves *pro se* in Trademark Trial and Appeal  
22 Board proceedings.

23       55. Mr. Pazandeh has refused to retain counsel to advise him in connection  
24 with the Trademark Trial and Appeal Board proceeding despite repeated  
25 admonitions from the Trademark Trial and Appeal Board.

26       56. Upon information and belief, these acts are indicative of Mr.  
27 Pazandeh's bad faith intent and ulterior and improper purpose in the use of judicial  
28 proceedings, more specifically, not to establish his exclusive rights in the



1 designation EPISODE AUDIO, but rather to force Wirepath to expend significant  
2 legal fees before the merits of the cancellation proceeding could be adjudicated and  
3 thereby quickly exact payment of a monetary settlement.

4 57.The cancellation proceeding has the capacity to adversely affect Wirepath's  
5 legal interests in its valuable trademark, and Wirepath has to date suffered  
6 reasonably ascertainable damages that are the direct and proximate cause of Mr.  
7 Pazandeh's abusive use of said proceeding.

8 58.Wirepath has incurred significant costs in defending Mr. Pazandeh's  
9 cancellation proceeding that amounts to an abuse of process, namely costs in the  
10 form of attorney fees in excess of \$44,000.00.

11 **PRAYER**

12 **WHEREFORE**, Wirepath respectfully prays that the Court:

13 1. Permanently enjoin Mr. Pazandeh, his agents, servants, employees, and  
14 all those persons in active concert or participation with him from using the  
15 designation EPISODE or EPISODE AUDIO or any other name or mark either  
16 alone or in combination with other words or symbols, which is confusingly or  
17 deceptively similar to, or colorably imitative of the EPISODE® Mark, on or in  
18 connection with the marketing, advertising or sale of speakers or related products;

19 2. Permanently enjoin Mr. Pazandeh, his agents, servants, employees and  
20 all those persons in active concert or participation with him from causing any  
21 misunderstanding that he is affiliated with or connected with, or are licensed,  
22 sponsored, authorized, approved or sanctioned by Wirepath and/or Wirepath's  
23 products marketed and sold under the EPISODE® Mark;

24 3. Permanently enjoin Mr. Pazandeh, his agents, servants, employees and  
25 all those persons in active concert or participation with him from engaging in any  
26 other acts of unfair competition against Wirepath and/or Wirepath's products  
27 marketed and sold under the EPISODE® Mark;

28 4. Require an accounting be held and judgment rendered that Mr.

1 Pazandeh is liable:

2 a. For all profits received by him on account of his infringement,  
3 unfair competition and fraudulent acts; and

4 b. For actual damages sustained by Wirepath on account of his  
5 infringement, unfair competition and fraudulent acts, and due to the willful nature  
6 of such acts, that such judgment be rendered for Wirepath for three times the  
7 amount of said damages pursuant to 15 U.S.C. § 1117.

8 5. Require Mr. Pazandeh, his agents, servants, employees and all those  
9 persons in active concert or participation with him, to deliver up to this Court,  
10 pursuant to 15 U.S.C. § 1118, all of the following: labels, signs, packaging, prints,  
11 promotional materials, tapes, discs, and any other printed or electronic matter of  
12 any nature in their possession bearing or using the designation EPISODE or  
13 EPISODE AUDIO or any other names or marks either alone or in combination with  
14 other words or symbols, which are confusingly or deceptively similar to, or  
15 colorably imitative of the EPISODE® Mark, as such names and marks are used for  
16 speakers or related products;

17 6. Require Mr. Pazandeh to transfer ownership of the domain name  
18 <http://www.episodeaudio.com> to Wirepath;

19 7. Require Mr. Pazandeh to pay Wirepath all of Wirepath's reasonable  
20 attorneys' fees, costs and expenses, including those available under 15 U.S.C. §  
21 1117, and pursuant to Wirepath's abuse of process claim;

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1           8.     Grant Wirepath such other and further relief as the Court deems just  
2 and proper.

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4                               Respectfully submitted,

5     December 8, 2011

DRINKER BIDDLE & REATH LLP

6                               By: Sheldon Eisenberg  
7   Sheldon Eisenberg

8                               Attorneys for Plaintiff

9                               Wirepath Home Systems, LLC  
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Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,320,350

Registered Oct. 23, 2007

TRADEMARK  
PRINCIPAL REGISTER

EPISODE

WIREPATH HOME SYSTEMS, LLC (NORTH  
CAROLINA LTD LIAB CO)  
10405-F GRANITE STREET  
CHARLOTTE, NC 28273

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: LOUDSPEAKERS; LOUDSPEAKER SYS-  
TEMS; LOUDSPEAKERS WITH BUILT-IN AMPLI-  
FIERS; LOUDSPEAKER CABINETS, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

SN 78-691,565, FILED 8-12-2005.

FIRST USE 1-1-2006; IN COMMERCE 1-1-2006.

MICHAEL ENGEL, EXAMINING ATTORNEY

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)*



Director of the United States Patent and Trademark Office

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,343,180

**United States Patent and Trademark Office**

Registered Nov. 27, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**EPISODE**

WIREPATH HOME SYSTEMS, LLC (NORTH  
CAROLINA LTD LIAB CO)  
SUITE F  
10405 GRANITE STREET  
CHARLOTTE, NC 28273

FIRST USE 1-1-2006; IN COMMERCE 1-1-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: AUDIO SPEAKERS, LOUD SPEAKERS,  
LOUD SPEAKERS SYSTEMS, SPEAKERS WITH  
BUILT-IN AMPLIFIERS, SPEAKER ENCLOSURES,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 77-125,342, FILED 3-8-2007.

LINDA ESTRADA, EXAMINING ATTORNEY

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

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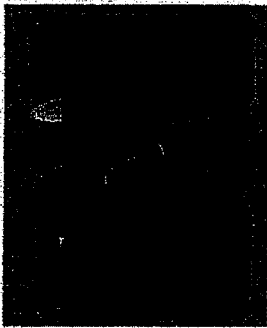
Director of the United States Patent and Trademark Office



## NEW CONCEPTS IN LOUDSPEAKER DESIGN

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### Episode Audio

Conventional loudspeakers use forward firing driver elements and therefore by nature are directional and limited in their coverage.

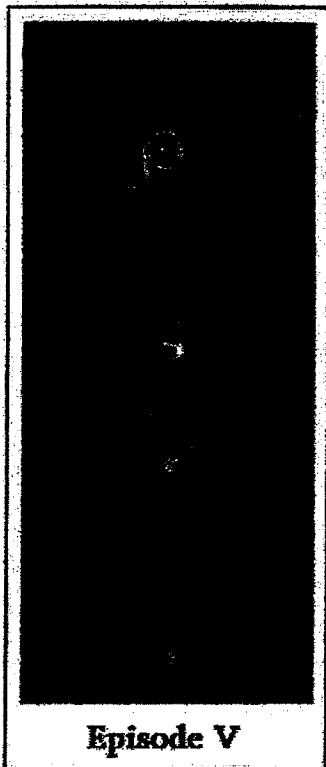
This characteristic limits their sense of spaciousness and realism as well as their ability to effectively cover a large audience for music and home theater. Various methods have been used to overcome or attempt to overcome these shortcomings such as rear firing tweeters, elaborate and expensive reflectors or exotic drivers.

The Episode Audio technology reveals a much more elegant and cost effective method for obtaining wide dispersion both horizontally and vertically over a very wide frequency range. It is beautiful in it's simplicity in that it uses conventional drivers and cabinet construction.

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**DESIGNED AND ASSEMBLED  
IN THE U.S.A**



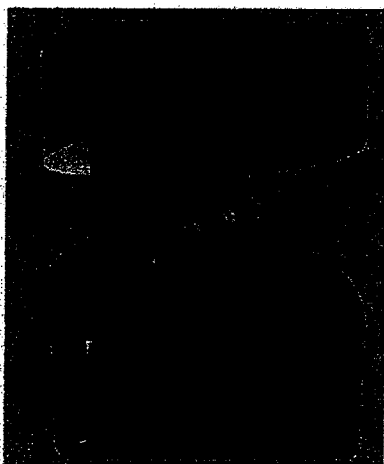
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## About Us

Episode Audio an innovative company looking for taking the sound experience for music lovers and movie enthusiasts to the next level by new concepts in sound engineering. Through research as well as empirical tests, Episode Audio has achieved ground breaking loudspeaker design configuration to further the science of sound. A combination of twenty five years of audio engineering has led Episode Audio to a new frontier in loudspeaker design in the field of acoustic and psycho acoustic engineering.



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- [Visit us on Jun 3,4 and 5 2011](#)
- **T.H.E. SHOW NEWPORT**  
The Home Entertainment Show, Newport Beach CA

**Visit Us In :: Room 327**

**Episode Audio - Ira Pazandeh, CEO**

**Episode Audio is a research, development and manufacturing of loudspeaker company. Episode Audio has been in business since 2004. Episode holds four patents and design patents pending for loudspeakers.**

**Episode Audio will be exhibiting four new and unique products at T.H.E show. We will be offering these products to dealers as well as the public. Please come and see us in room 327 for more details**

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- [Visit us on Jun 3,4 and 5 2011](#)
- T.H.E. SHOW NEWPORT  
The Home Entertainment Show, Newport Beach CA
- 

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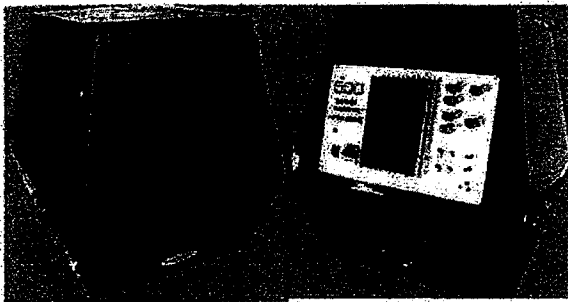
## NEW CONCEPTS IN LOUDSPEAKER DESIGN

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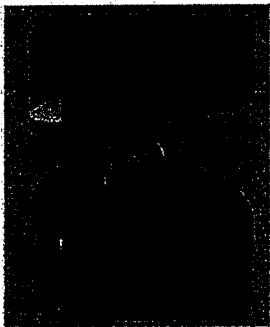
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## Frequently Asked Questions

Q: [Insert question here]

A: [Insert answer here]

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Q: [Insert question here]

A: [Insert answer here]

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## Contact

TELEPHONE: 714-404-8340

[info@episodeaudio.com](mailto:info@episodeaudio.com) or

[EPISODEAUDIO@ROADRUNNER.COM](mailto:EPISODEAUDIO@ROADRUNNER.COM)

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
**WIREPATH HOME SYSTEMS, INC.**

**DEFENDANTS**  
**IRA PAZANDEK dba EPISODE AUDIO**

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
**DRINKER BIDDLE & REATH LLP**  
Sheldon Eisenberg (SBN 100626)  
1800 Century Park East, Suite 1400  
Los Angeles, CA 90067  
Telephone: **(310) 203-4000**; Facsimile: **(310) 229-1285**

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff    ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant    ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from another district (specify):    ☐ 6 Multi-District Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$ Unknown amount

**VI. CAUSE OF ACTION** (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Section 32 of the Lanham Act, 15 USC § 1114, Trademark infringement

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS - PERSONAL INJURY	TORTS - PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW 405(g)
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

**FOR OFFICE USE ONLY:** Case Number: SACV11-1893

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
State of North Carolina	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): Sheldon Eisenberg Date December 8, 2011

Sheldon Eisenberg

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

FILED

Sheldon Eisenberg (SBN 100626)  
DRINKER BIDDLE & REATH, LLP  
1800 Century Park East, Suite 1400  
Los Angeles, CA 90067  
Telephone: (310) 203-4000  
Facsimile: (310) 229-1285  
Email: sheldon.eisenberg@dbr.com

2011 DEC -8 PM 12:22

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

Robert H. Cameron (*pro hac vice pending*)  
Matthew F. Tilley (*pro hac vice pending*)  
ROBINSON BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, North Carolina 28246  
Telephone: (704) 377-2536  
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Email: rcameron@rbh.com; mtalley@rbh.com

Attorneys for Plaintiff  
Wirepath Home Systems, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WIREPATH HOME SYSTEMS, LLC,

Plaintiff,

v.

IRA PAZANDEH d/b/a EPISODE  
AUDIO,

Defendant.

Case No. SACV 11-1893-JVS (mLGx)

**PLAINTIFF WIREPATH HOME  
SYSTEMS, INC.'S NOTICE OF  
INTERESTED PARTIES  
PURSUANT TO L.R. 7.1-1**

TO THE CLERK OF THE COURT AND TO ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:

The undersigned counsel of record for plaintiff Wirepath Home Systems, LLC certifies that the following parties have a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualified or recusal.

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Wirepath Home Systems, LLC

Plaintiff

Respectfully submitted,

December 8, 2011

DRINKER BIDDLE & REATH LLP

By:   
Sheldon Eisenberg

Attorneys for Plaintiff  
Wirepath Home Systems, LLC

FILED

Sheldon Eisenberg (SBN 100626)  
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1800 Century Park East, Suite 1400  
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Facsimile: (310) 229-1285  
Email: sheldon.eisenberg@dbi.com

2011 DEC -8 PM 12: 23

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

Robert H. Cameron (*pro hac vice pending*)  
Matthew F. Tilley (*pro hac vice pending*)  
ROBINSON BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, North Carolina 28246  
Telephone: (704) 377-2536  
Facsimile: (704) 378-4000  
Email: rcameron@rbh.com; mtiley@rbh.com

Attorneys for Plaintiff  
Wirepath Home Systems, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WIREPATH HOME SYSTEMS, LLC,

Plaintiff,

v.

IRA PAZANDEH d/b/a EPISODE  
AUDIO,

Defendant.

Case No. SACV11-1893-JVS (MLG)

**CORPORATE DISCLOSURE  
STATEMENT OF PLAINTIFF  
WIREPATH HOME SYSTEMS,  
LLC**

TO THE CLERK OF THE COURT AND TO ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, plaintiff  
Wirepath Home Systems, LLC ("Wirepath"), by and through the undersigned  
counsel, states that: Wirepath has no parent corporation and no publicly held  
corporation owns ten percent (10%) or more of its stock.

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December 8, 2011

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

By: Sheldon Eisenberg  
Sheldon Eisenberg

Attorneys for Plaintiff

Wirepath Home Systems, LLC

<b>TO:</b> Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE          FILING OR DETERMINATION OF AN          ACTION REGARDING A PATENT OR          TRADEMARK</b>
--	--

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Central District of California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. <b>SAC 11-1893</b>	DATE FILED <b>5/11/2010</b>	U.S. DISTRICT COURT <b>Central District of California</b>
PLAINTIFF  <b>WIREPATH HOME SYSTEMS, LLC</b>		DEFENDANT  <b>IRA PAZANDEH D/B/A EPISODE AUDIO</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3,320,350	10/23/2007	Wirepath Home Systems, LLC
2 3,343,180	11/27/2007	Wirepath Home Systems, LLC
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

**SACV11- 1893 JVS (MLGx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



FILED

2011 DEC -8 PM 12:24

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**WIREPATH HOME SYSTEMS, LLC**

PLAINTIFF(S)

v.

**IRA PAZANDEH**

DEFENDANT(S).

CASE NUMBER

**SACV11- 1893 JVS (MLGx)**

**NOTICE TO PARTIES OF ADR  
PROGRAM**

Dear Counsel,

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program. All counsel of record are directed to jointly complete the attached ADR Program Questionnaire, and plaintiff's counsel (or defendant in a removal case) is directed to concurrently file the Questionnaire with the report required under Federal Rules of Civil Procedure 26(f).

Clerk, U.S. District Court

12/08/11

Date

By: MDAVIS

Deputy Clerk

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**WIREPATH HOME SYSTEMS, LLC**

PLAINTIFF(S)

v.

**IRA PAZANDEH**

DEFENDANT(S).

CASE NUMBER

**SACV11- 1893 JVS (MLGx)**

**ADR PROGRAM QUESTIONNAIRE**

(1) What, if any, discovery do the parties believe is essential in order to prepare adequately for a settlement conference or mediation? Please outline with specificity the type(s) of discovery and proposed completion date(s). Please outline any areas of disagreement in this regard. Your designations do not limit the discovery that you will be able to take in the event this case does not settle.

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(2) What are the damage amounts being claimed by each plaintiff? Identify the categories of damage claimed [e.g., lost profits, medical expenses (past and future), lost wages (past and future), emotional distress, damage to reputation, etc.] and the portion of the total damages claimed attributed to each category.

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(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Program?

Yes ☐ No ☐

(4) if this case is in category civil rights - employment (442), check all boxes that describe the legal bases of plaintiff claim(s).

☐ Title VII

☐ Age Discrimination

☐ 42 U.S.C. section 1983

☐ California Fair Employment and Housing Act

☐ Americans with Disabilities Act of 1990

☐ Rehabilitation Act

☐ Other \_\_\_\_\_

I hereby certify that all parties have discussed and agree that the above-mentioned responses are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff (Signature)

\_\_\_\_\_  
Attorney for Plaintiff (Please print full name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant (Signature)

\_\_\_\_\_  
Attorney for Defendant (Please print full name)

UNITED STATE DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE TO COUNSEL

*The court has directed that the following rules be specifically called to your attention:*

- I. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- II. Service of Papers and Process (Local Rule 4)

I. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court by the filing of a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1. states: "It is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2 provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the first-filed action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

II. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for Service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4 (i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

This notice shall be given by the Clerk to the plaintiff at the time an action is filed (or to the defendant at the time a notice of removal is filed), and by the plaintiff to other parties as attachments to copies of the complaint and summonses, or by the defendant to other parties as attachments to copies of the notice to plaintiffs of removal to federal court, when served.

# UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVILITY AND PROFESSIONALISM GUIDELINES

## Preamble

In its purest form, law is simply a societal mechanism for achieving justice. As officers of the court, judges and lawyers have a duty to use the law for this purpose, for the good of the people. Even though "justice" is a lofty goal, one which is not always reached, when an individual becomes a member of the legal profession, he or she is bound to strive towards this end.

*...there is a growing sense that lawyers regard their livelihood as a business, rather than a profession.*

Unfortunately, many do not perceive that achieving justice is the function of law in society today. Among members of the public and lawyers themselves, there is a growing sense that lawyers regard their livelihood as a business, rather than a profession. Viewed in this manner, the lawyer may define his or her ultimate goal as "winning" any given case, by whatever means possible, at any cost, with little sense of whether justice is being served. This attitude manifests itself in an array of obstinate discovery tactics, refusals to accommodate the reasonable requests of opposing counsel re: dates, times, and places; and other needless, time-consuming conflicts between and among adversaries. This type of behavior tends to increase costs of litigation and often leads to the denial of justice.

The Central District recognizes that, while the majority of lawyers do not behave in the above-described manner, in recent years there has been a discernible erosion of civility and professionalism in our courts. This disturbing trend may have severe consequences if we do not act to reverse its course. Incivil behavior does not constitute effective advocacy; rather, it serves to increase liti-

gation costs and fails to advance the client's lawful interests. Perhaps just as importantly, this type of behavior causes the public to lose faith in the legal profession and its ability to benefit society. For these reasons, we find that civility and professionalism among advocates, between lawyer and client, and between bench and bar are essential to the administration of justice.

The following guidelines are de-

signed to encourage us, the members of the bench and bar, to act towards each other, our clients, and the public with the dignity and civility that our profession demands. In formulating these guidelines, we have borrowed heavily from the efforts of others who have written similar codes for this same purpose. *The Los Angeles County Bar Association Litigation Guidelines*, guidelines issued by other county bar associations within the Central District, the *Standards for Professional Conduct within the Seventh Federal Judicial Circuit*, and the *Texas Lawyer's Creed* all provide excellent models for professional behavior in the law.

We expect that judges and lawyers will voluntarily adhere to these standards as part of a mutual commitment to the elevation of the level of practice in our courts. These guidelines shall not be used as a basis for litigation or for sanctions or penalties.

Nothing in these guidelines supersedes or modifies the existing Local Rules of the Central District, nor do they alter existing standards of conduct wherein lawyer negligence may be determined and/or examined.

## I. Guidelines

### A. Lawyers' Duties to Their Clients

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. We will endeavor to achieve our clients' lawful objectives in legal transactions and in litigation as quickly and economically as possible.
2. We will be loyal and committed to our clients' lawful objectives, but we will not permit that loyalty and commitment to interfere with our duty to provide objective and independent advice.
3. We will advise our clients that civility and courtesy are expected and are not a sign of weakness.
4. We will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that we act in an abusive manner or indulge in any offensive conduct.
5. We will advise our clients that we will not pursue conduct that is intended primarily to harass or drain the financial resources of the opposing party.
6. We will advise our clients that we reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect our clients' lawful objectives. Clients have no right to instruct us to refuse reasonable requests made by other counsel.
7. We will advise our clients regarding availability of mediation, arbitration, and other alternative meth-

ods of resolving and settling disputes.

- 8 We will advise our clients of the contents of this creed when undertaking representation.

## **B. Lawyers' Duties to Other Counsel**

### **1. Communications with Adversaries**

- a. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.
- b. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the other counsel with the opportunity to review the writing. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.
- c. We will not write letters for the purpose of ascribing to opposing counsel a position he or she has not taken, or to create "a record" of events that have not occurred. Letters intended only to make a record should be used sparingly and only when thought to be necessary under all of the circumstances. Unless specifically permitted or invited by the court, letters between counsel should not be sent to judges.

### **2. Scheduling Issues**

- a. We will not use any form of discovery or discovery scheduling as a means of harassment.
- b. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- c. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel, where it is possible to do so without prejudicing the client's rights. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.
- d. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.
- e. Unless time is of the essence, as a matter of courtesy we will grant first requests for reasonable extensions of time to respond to litigation deadlines. After a first extension, any additional requests for time will be considered by balancing the need for expedition against the deference one should ordinarily give to an opponent's schedule of personal and professional engagements, the reasonableness of the length of extension requested, the opponent's willingness to grant reciprocal extensions, the time actually needed for the task, and whether it is likely a court would grant the extension if asked to do so.

- f. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.

- g. We will not attach to extensions unfair and extraneous conditions. We may impose conditions for the purpose of preserving rights that an extension might jeopardize, or for seeking reciprocal scheduling concessions. We will not, by granting extensions, seek to preclude an opponent's substantive rights, such as his or her right to move against a complaint.

### **3. Service of Papers**

- a. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- b. We will not serve papers sufficiently close to a court appearance so as to inhibit the ability of opposing counsel to prepare for that appearance or, where permitted by law, to respond to the papers.
- c. We will not serve papers in order to take advantage of an opponent's known absence from the office or at a time or in a manner designed to inconvenience an adversary, such as late on a Friday afternoon or the day preceding a secular or religious holiday.
- d. When it is likely that service by mail, even when allowed, will prejudice the opposing party, we will effect service personally or by facsimile transmission.

### **4. Depositions**

- a. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions

for the purpose of harassment or to increase litigation expense.

- b. We will not engage in any conduct during a deposition that would be inappropriate in the presence of a judge.
- c. During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action. We will not inquire into a deponent's personal affairs or question a deponent's integrity where such inquiry is irrelevant to the subject matter of the deposition. We will refrain from repetitive or argumentative questions or those asked solely for purposes of harassment.
- d. When defending a deposition, we will limit objections to those that are well founded and necessary to protect our client's interests. We recognize that most objections are preserved and need be interposed only when the form of a question is defective or privileged information is sought.
- e. When a question is pending, we will not, through objections or otherwise, coach the deponent or suggest answers.
- f. We will not direct a deponent to refuse to answer questions unless they seek privileged information or are manifestly irrelevant or calculated to harass.
- g. When we obtain documents pursuant to a deposition subpoena, we will make copies of the documents available to opposing counsel at his or her expense, even if the deposition is canceled or adjourned.

#### **5. Document Demands**

- a. We will carefully craft document production requests so they are limited to those documents we reason-

ably believe are necessary for the prosecution or defense of an action. We will not design production requests to harass or embarrass a party or witness or to impose an undue burden or expense in responding.

- b. We will respond to document requests in a timely and reasonable manner and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents.
- c. We will withhold documents on the grounds of privilege only where it is appropriate to do so.
- d. We will not produce documents in a disorganized or unintelligible manner, or in a way designed to hide or obscure the existence of particular documents.
- e. We will not delay document production to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

#### **6. Interrogatories**

- a. We will carefully craft interrogatories so that they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to harass or place an undue burden or expense on a party.
- b. We will respond to interrogatories in a timely and reasonable manner and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information.
- c. We will base our interrogatory objections on a good faith belief in their merit and not for the purpose of withholding or delaying the disclosure of relevant information. If

an interrogatory is objectionable in part, we will answer the unobjectionable part.

#### **7. Settlement and Alternative Dispute Resolution**

- a. Except where there are strong and overriding issues of principle, we will raise and explore the issue of settlement in every case as soon as enough is known about the case to make settlement discussion meaningful.
- b. We will not falsely hold out the possibility of settlement as a means for adjourning discovery or delaying trial.
- c. In every case, we will consider whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation, or other forms of alternative dispute resolution.

#### **8. Written Submissions to a Court, Including Briefs, Memoranda, Affidavits, Declarations, and Proposed Orders.**

- a. Before filing a motion with the court, we will engage in more than a mere *pro forma* discussion of its purpose in an effort to resolve the issue with opposing counsel.
- b. We will not force our adversary to make a motion and then not oppose it.
- c. In submitting briefs or memoranda of points and authorities to the court, we will not rely on facts that are not properly part of the record. We may present historical, economic, or sociological data, if such data appears in or is derived from generally available sources.



- d. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
- e. Unless directly and necessarily in issue, we will not disparage the intelligence, morals, integrity, or personal behavior of our adversaries before the court, either in written submissions or oral presentations.
- f. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
- g. We will not move for court sanctions against opposing counsel without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.
- h. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity.
- i. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

#### 9. *Ex Parte* Communications With the Court

- a. We will avoid *ex parte* communication on the substance of a pending case with a judge (or his or her law clerk) before whom such case is pending.
- b. Even where applicable laws or rules permit an *ex parte* application or communication to the court, before making such an application or com-

munication we will make diligent efforts to notify the opposing party or his or her attorney. We will make reasonable efforts to accommodate the schedule of such attorney, so that the opposing party may be represented on the application.

- c. Where the rules permit an *ex parte* application or communication to the court in an emergency situation, we will make such an application or communication only where there is a *bona fide* emergency such that the lawyer's client will be seriously prejudiced by a failure to make the application or communication on regular notice.

#### C. Lawyers' Duties to the Court

- 1. We will speak and write civilly and respectfully in all communications with the court.
- 2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- 3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- 4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- 5. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

- 6. Before dates for hearing or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

- 7. We will act and speak civilly to court marshals, court clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

#### D. Judges' Duties to Others

- 1. We will be courteous, respectful, and civil to the attorneys, parties, and witnesses who appear before us. Furthermore, we will use our authority to ensure that all of the attorneys, parties, and witnesses appearing in our courtrooms conduct themselves in a civil manner.
- 2. We will do our best to ensure that court personnel act civilly toward attorneys, parties and witnesses.
- 3. We will not employ abusive, demeaning, or humiliating language in opinions or in written or oral communications with attorneys, parties, or witnesses.
- 4. We will be punctual in convening all hearings, meetings, and conferences.
- 5. We will make reasonable efforts to decide promptly all matters presented to us for decision.
- 6. While endeavoring to resolve disputes efficiently, we will be aware of the time constraints and pressures imposed on attorneys by the exigencies of litigation practice.
- 7. Above all, we will remember that the court is the servant of the people, and we will approach our duties in this fashion.



### Court Reporters Office

#### Ordering Transcripts

Distinct court official criminal transcripts may be ordered by making financial arrangements with the individual court reporters. To identify which reporter to contact for a specific in-court matter before April 2002, please refer to the appropriate docket entry on the civil or criminal docket sheet which is now electronically available on PACER. For specific in-court matters after April 2002, the court reporter assignment schedule is on the website. Go to Court Reporter Schedule, then view all and select the date you need to check. Transcript orders from magistrate judge courts should be placed with the Court Recording Section of the Records Department. Please refer to the website for the necessary telephone numbers, applicable fees, and identification of court reporter assignments. For more information, you can call the court reporter scheduler's office at 213-894-0658.

#### Ordering Realtime Connection

Realtime reporting connection should be requested in advance of the trial. Please contact the court reporter scheduler's office to request the realtime connection. There is a separate charge for the realtime connection. Please refer to the transcript rates to determine the cost. The only court reporters who may connect to realtime and charge for it are federally-certified realtime court reporters. Many reporters will provide the realtime connection if a daily transcript is being ordered. The attorney must bring his or her own laptop computer.

#### Ordering Dailies

A request for a daily transcript should be made as soon as possible before the trial begins. Please notify the court reporter scheduler's office at least 2 weeks in advance of the trial start date in order to request a daily transcript. The daily will not commence until financial arrangements have been made. Please do not walk into court on the first day of trial and request a daily transcript as reporters need time to prepare.

#### Honors Section

A reporter's name is published in the daily of each division that has been provided court addresses, court telephone numbers, and daily transcript rates and charges on the website.

### UNITED STATES DISTRICT COURT CALIFORNIA

#### CENTRAL DISTRICT OF CALIFORNIA

#### WESTERN DIVISION

##### U.S. Courthouse

Clerk's Office, Room 6-8  
312 North Spring Street  
Los Angeles, California 90012  
213-894-1565

#### SOUTHERN DIVISION

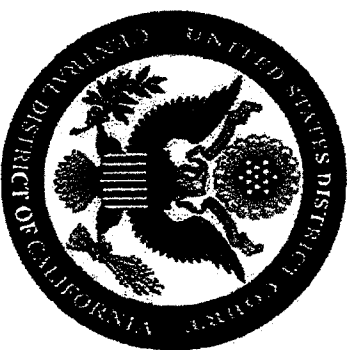
##### Ronald Reagan Federal Building and Courthouse

Clerk's Office, Room 1-059  
401 West Main Street  
Santa Ana, California 92701-1510  
714-248-4250

#### EASTERN DIVISION

Clerk's Office, Room 1-34  
277 North Main Street  
Riverside, California 92501  
951-248-4250

### UNITED STATES DISTRICT COURT CALIFORNIA



**Clerk's Office**  
Services for Attorneys  
and the  
General Public

October 2010

The United States District Court, Central District of California is one of the largest federal courts in the nation. The clerk's office has put this brochure together to provide a quick reference for attorneys and the general public regarding the services that are currently available. Feedback and suggestions as to how we might improve our service are always appreciated.

### Website

Information about the district court may be obtained online. Users can gather information about attorney admissions and filing procedures, review master and daily calendars, requirements for court appearances, Local Rules, General Orders, and recently issued and published opinions; obtain extensive attorney assistance information and available court services; download court forms; and keep apprised of recent innovations in the clerk's office. Visit the court's website at [www.cad.uscourts.gov](http://www.cad.uscourts.gov).

### Office Hours

The clerk's office hours are 10:00 a.m. - 4:00 p.m., Monday-Friday, excluding court observed holidays. The drop-off box service has been discontinued. For emergency filings between 4:00 p.m. - 5:00 p.m., call Western Division: 213-894-2127, Southern Division: 714-338-4764/4760, Eastern Division: 951-328-4470. After 5:00 p.m., call 213-894-2485.

### WebPACER

The "Public Access to Court Electronic Records" (PACER) is a browser-based electronic retrieval system that provides criminal and civil summaries and docket information using a computer terminal. PACER also provides access to images of electronically filed court documents. The PACER service is available 24 hours a day, including weekends. To establish a PACER account, contact the PACER Service Center: 800-676-6856.

### Records

All pending criminal, civil, misdemeanor, and multi-district litigation (MDL) cases may be reviewed, at no charge, at the clerk's office. Case files and dockets may be viewed on the same day as requested unless the requested material is unavailable. Certain closed cases are located at the court's storage facility and may be ordered viewed and copies obtained directly from National Archives and Records Administration (NARA). (866) 295-6290. Most will need to provide the accession, location and box numbers to NARA for file retrieval. This information may be obtained from the court's website at [www.cad.uscourts.gov](http://www.cad.uscourts.gov). If there are no search results, call Western Division: 213-894-3863, email:

to records\_cad@cad.uscourts.gov; Southern Division: 714-338-4785; Eastern Division: 951-328-4450. To identify which clerk's office maintains the case file you wish to view, please refer to the prefix of the case number (two digits after the letters represent the filing year; for example, 09 is year 2009) as follows:

Western Division (Los Angeles)	CR 09-0000 - criminal
CV 09-0000 - civil	
Southern Division (Santa Ana)	SA CV 09-0000 - civil
SA CR 09-0000 - criminal	
Eastern Division (Riverside)	ED CV 09-0000 - civil
ED CR 09-0000 - criminal	

There is a charge for copies, certifications, and exemplifications. For more information on closed or archived court records, visit the court's website at [www.cad.uscourts.gov/records](http://www.cad.uscourts.gov/records).

### Photocopy Service

Photocopy services are available from outside copy services. Please note that exemplifications and certifications must still be obtained from the clerk's office. For payment options, contact the appropriate vendors: Western Division: 213-253-9413; Southern Division: 714-543-8123; Eastern Division: 951-328-4470.

### Interpreter Services

The interpreter services section of the clerk's office provides interpreters for all court proceedings instituted by the United States that require the use of a language other than English. The section also makes interpreter referrals in response to inquiries from law firms and the general public in cases where court-appointed interpreters are not indicated. For further information, please call 213-894-4370 or visit the court's website at [www.cad.uscourts.gov/interpreters](http://www.cad.uscourts.gov/interpreters).

### Jury Section

The court's website offers valuable information to prospective jurors. You may see responses to frequently asked questions, read the General Order 07-10 regarding the selection of Grand and Petit jurors; download the jury handbook; review jury information for all three divisions; and verify your status/instructions utilizing the Automated Juror Information System (AJIS). Submit questions or comments to the jury section at [jury@cad.uscourts.gov](mailto:jury@cad.uscourts.gov). Wired and wireless Internet access is available in jury assembly rooms.

### Attorney Work Room

For attorneys, a work room is located on the second floor of the Spring Street Courthouse, on the first floor of the

Royal Federal Building, on the tenth floor of the Ronald Reagan Federal Building and U.S. Courthouse; and on the third floor of the Riverside Courthouse. The workrooms have Pentium personal computers with access to Westlaw, WordPerfect, and PACER; laser printers; wired and wireless Internet access; storage lockers; copy machines; and individual conference rooms.

### Evidence Presenters

The clerk's office has evidence presenters available for attorneys to use in court proceedings. This technology connects an overhead projector to monitors which display pictures for the judge, attorneys and the jury. There is no charge for using the equipment; however, due to the high demand for its use, the equipment is reserved on a first-come, first-served basis. For more information or to reserve the equipment, visit the court's website or contact the appropriate divisions: Western Division at 213-894-3061, Southern Division at 714-338-4785, and Eastern Division at 951-328-4450 or 951-328-4451.

### Videoconferencing

Videoconferencing allows parties at off-site locations to appear at court hearings by way of two-way audio and visual monitors. The appropriate courtroom deputy clerk should be contacted as to whether use of this equipment in the courtroom is permitted for the specific hearing or trial. There are minimal telephone charges but no equipment charges for use of the unit. For more information or to reserve the equipment, visit the court's website or contact the court's Space and Facilities Help Desk at 213-894-3061.

### E-Filing

With limited exceptions, all cases are subject to e-filing as governed by General Order 08-02, as amended by General Order 08-11. Please visit the GM/EGF web page at [www.cad.uscourts.gov/contact](http://www.cad.uscourts.gov/contact) or call the GM/EGF Help Desk at 213-894-0242.

### Pro Se

The Federal Pro Se (Self-Represented Litigant) Clinic is located on the fifth floor, Room 525 in the Federal Courthouse at 312 North Spring Street, Los Angeles, California. The Pro Se Clinic, which is staffed by a lawyer, offers on-site information and guidance to individuals who are representing themselves (without an attorney) in civil actions in the United States District Court. For more information, call 213-385-2977, Ext. 270, or visit the court's website at [www.cad.uscourts.gov/prose](http://www.cad.uscourts.gov/prose).